

#5  
Ex of Time (5)  
Election D. Ryan  
11/13/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Aboul-Hosn et al. Examiner: W. Matthews  
Serial No. : 09/481,730 Group Art Unit: 3738  
Filed : January 11, 2000  
For : Methods and Systems for Providing Right and/or Left Heart Support During Cardiac Surgery

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**RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES REQUIREMENT**

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Commissioner of Patents  
Washington, D.C. 20231


Sir:

Applicant responds to the Office Action (which contains a restriction requirement and an election of species requirement) mailed February 26, 2002, for which a shortened one month period of time was set for response.

An automatic five month extension of time to respond, up to and including August 26, 2002, is respectfully requested. The requisite fee accompanies this Amendment.

In response to the restriction requirement, Applicant elects Claim Group 1 (Claims 1 to 39). In response to the election of species requirements, Applicant elects (i) Pump Group A: Figures 3 and 4 (Centrifugal); (ii) Conduit Group B: Figs. 11 to 15, 17, 19, 20 (Intravascular Dual Cannula); and (iii) Placement Group C: (b - through the vena cava). Applicant believes the following claims read on the elected combination of species: 1 to 5; 7 to 11; 14 to 18; 20; 21; 23; 24; and 31 to 39.

Respectfully submitted,

By   
Daniel D. Ryan, Reg. No. 29,243

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Date: 31 October 2002

### RECIPIENT:

### FACSIMILE NUMBER

1. Examiner Mathews USPTO

(703) 746 - 7294

Regarding: USSN 09/481,730  
Aboul-Hosn et al.

Comments: Pursuant to your telephone request, attached is a copy of a responsive amendment in the above application which was mailed to the Patent Office on 14 August 2002.

From: Daniel D. Ryan (Reg. No. 29,243)

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Response to Restriction Requirement mailed from PTO on 2/26/02  
in application of Aboul-Hosn et al., Serial No. 09/481,730  
filed 11 January 2000 for Methods and Systems for Providing  
Right and/or Left Heart Support During Cardiac Surgery,  
consisting of: transmittal letter, one page typewritten  
response; and Check No. 10829 - \$980.00

A-Med 9261.16761-CIP 3  
Mailed: 8/14/2002



**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Aboul-Hosn et al.< Attorney Docket No.: 9261.16761-CIP 3  
Serial No.: 09/481,730 Examiner: W. Matthews  
Filed: 11 January 2000 Group Art Unit: 3738  
For: Methods and Systems for Providing Right and/or Left Heart Support During Cardiac Surgery

Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is  
[ x ] a small entity  
[ ] other than a small entity.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 14 August 2002

Judith Dunaway

Type or print name of person mailing paper

  
(Signature of person mailing paper)

**EXTENSION OF TERM**

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1081 O.G. 34-35).

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$1440.00	\$ 720.00
<input checked="" type="checkbox"/> five months	\$1960.00	\$ 980.00

Fee: \$ 980.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ \_\_\_\_\_

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Total Claims 37 CFR 1.16(c)*		-20 =	(20)	x \$ 9.00	\$0	\$0
Independent Claims (37 CFR 1.16(b)**		-3 =	(3)	x \$ 42.00	\$0	\$0
First Presentation of Multiple Dependent claim(s) if any (37 CFR 1.16(d))				\$140.00	\$0	\$0
Total Additional Fee					\$0	\$0

\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$\_\_\_\_\_.

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 980.00.

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_.

A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 06-2360.

**AND/OR**

☒ If any additional fee for claims is required charge Account No. 06-2360.

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

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